



General Assembly

January Session, 2007

***Raised Bill No. 1065***

LCO No. 3713

\*03713\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT REVISING CERTAIN PROVISIONS OF THE FREEDOM OF INFORMATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-205 of the general statutes is amended by adding  
2 subsections (k) and (l) as follows (*Effective from passage*):

3 (NEW) (k) The Freedom of Information Commission shall employ  
4 an executive director and general counsel. Such executive director and  
5 general counsel shall be appointed for an indefinite term pursuant to a  
6 vote of the commission, without the approval of the Department of  
7 Administrative Services. The salary of such executive director and  
8 general counsel shall be determined by the commission within the  
9 limits of any funds appropriated to the commission. Annually, the  
10 chairperson of the commission shall conduct a written evaluation of  
11 the performance of such executive director and general counsel. Such  
12 executive director and general counsel may be removed by the  
13 commission for reasonable cause in accordance with the provisions of  
14 chapter 67. The executive director and general counsel shall be  
15 responsible for the hiring of all employees of the commission, as

16 described in subsection (l) of this section.

17 (l) The commission may employ executive, managerial and  
18 confidential employees as may be necessary to carry out the provisions  
19 of this chapter and within the limits of any funds appropriated to the  
20 commission. Such employees shall be appointed by the executive  
21 director and general counsel to positions established by the  
22 commission, without the approval of the Department of  
23 Administrative Services, and shall be exempt from the classified  
24 service. The executive director and general counsel shall, annually,  
25 conduct a written evaluation of the performance of any such  
26 employee. Such employees may be removed by the executive director  
27 and general counsel for reasonable cause in accordance with the  
28 provisions of chapter 67.

29 Sec. 2. Subdivision (1) of subsection (b) of section 1-206 of the  
30 general statutes is repealed and the following is substituted in lieu  
31 thereof (*Effective from passage*):

32 (b) (1) Any person denied the right to inspect or copy records under  
33 section 1-210 or wrongfully denied the right to attend any meeting of a  
34 public agency or denied any other right conferred by the Freedom of  
35 Information Act may appeal therefrom to the Freedom of Information  
36 Commission, by filing a notice of appeal with said commission. A  
37 notice of appeal shall be filed [within] not later than thirty days after  
38 such denial, except in the case of an unnoticed or secret meeting, in  
39 which case the appeal shall be filed [within] not later than thirty days  
40 after the person filing the appeal receives notice in fact that such  
41 meeting was held. For purposes of this subsection, such notice of  
42 appeal shall be deemed to be filed on the date it is received by said  
43 commission or on the date it is postmarked, if received more than  
44 thirty days after the date of the denial from which such appeal is taken.  
45 Upon receipt of such notice, the commission shall serve upon all  
46 parties, by certified or registered mail, a copy of such notice together  
47 with any other notice or order of such commission. In the case of the

48 denial of a request to inspect or copy records contained in a public  
49 employee's personnel or medical file or similar file under subsection  
50 (c) of section 1-214, the commission shall include with its notice or  
51 order an order requiring the public agency to notify any employee  
52 whose records are the subject of an appeal, and the employee's  
53 collective bargaining representative, if any, of the commission's  
54 proceedings and, if any such employee or collective bargaining  
55 representative has filed an objection under said subsection (c), the  
56 agency shall provide the required notice to such employee and  
57 collective bargaining representative by certified mail, return receipt  
58 requested or by hand delivery with a signed receipt. A public  
59 employee whose personnel or medical file or similar file is the subject  
60 of an appeal under this subsection may intervene as a party in the  
61 proceedings on the matter before the commission. Said commission  
62 shall, after due notice to the parties, hear and decide the appeal within  
63 one year after the filing of the notice of appeal. The commission shall  
64 adopt regulations in accordance with chapter 54, establishing criteria  
65 for those appeals which shall be privileged in their assignment for  
66 hearing. Any such appeal shall be heard [within] not later than thirty  
67 days after receipt of a notice of appeal and decided [within] not later  
68 than sixty days after the hearing. If a notice of appeal concerns an  
69 announced agency decision to meet in executive session or an ongoing  
70 agency practice of meeting in executive sessions, for a stated purpose,  
71 the commission or a member or members of the commission  
72 designated by its chairperson shall serve notice upon the parties in  
73 accordance with this section and hold a preliminary hearing on the  
74 appeal [within] not later than seventy-two hours after receipt of the  
75 notice, provided such notice shall be given to the parties at least forty-  
76 eight hours prior to such hearing. During such preliminary hearing,  
77 the commission shall take evidence and receive testimony from the  
78 parties. If after the preliminary hearing the commission finds probable  
79 cause to believe that the agency decision or practice is in violation of  
80 sections 1-200 and 1-225, the agency shall not meet in executive session  
81 for such purpose until the commission decides the appeal. If probable

82 cause is found by the commission, it shall conduct a final hearing on  
83 the appeal and render its decision [within] not later than five days [of]  
84 after the completion of the preliminary hearing. Such decision shall  
85 specify the commission's findings of fact and conclusions of law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-205
Sec. 2	<i>from passage</i>	1-206(b)(1)

***Statement of Purpose:***

To ensure the independence and integrity of the commission and require the taking of evidence and testimony at certain preliminary hearings of the commission.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*